

# FEDERAL SECURITY AGENCY

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

2826-3000

#### FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *September 1, 1942.*

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#### BEVERAGES AND BEVERAGE MATERIALS

**2826. Misbranding of canned coffee. U. S. v. 10 Cases of Coffee. Default decree of condemnation and destruction.** (F. D. C. No. 6091. Sample No. 61791-E.)

This product was short of the declared volume.

On October 28, 1941, the United States attorney for the District of Oregon filed a libel against 10 cases of canned coffee at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about April 23, 1941, by the Hotcan Corporation from Los Angeles, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Hotcan 'It heats Itself' \* \* \* Coffee Ready to Drink \* \* \* Net Contents of Product 1 Pt. 6 Fl. Oz."

The article was alleged to be misbranded in that the statement "Net Contents of Product 1 Pt. 6 Fl. Oz." was false and misleading since the cans contained a

smaller amount. It was alleged to be misbranded further in that it was a food in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On December 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2827. Adulteration and misbranding of lemon flavor crystals. U. S. v. 3 Cartons of Lemon Flavor Crystals. Default decree of condemnation and destruction.** (F. D. C. No. 6127. Sample No. 42760-E.)

Examination showed that this product, which purported to be dehydrated lemon juice, was an imitation lemon juice base.

On November 3, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 3 cartons, each containing 48 bottles, of lemon flavor crystals at Erie, Pa., alleging that the article had been shipped on or about August 18, 1941, by General Fruit Products Co., Inc., from Point Pleasant, N. J.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Cramores Lemon flavor Crystals for Instant Juice."

The article was alleged to be adulterated in that a substance, namely, an imitation lemon juice base, had been substituted for dehydrated lemon juice.

It was alleged to be misbranded (1) in that the following statements, "Instant Juice \* \* \* Use wherever fresh lemons are used. \* \* \* These Crystals solve your 'Juice' problem the year 'round. \* \* \* Use in place of squeezed lemon juice for delicious Lemon Drinks, Mixed Drinks, Collinses, Sherbets, Pastries, French Dressing, Mayonnaise, Frostings, Flavorings, Iced and Hot Tea, Cakes, Etc. \* \* \* Use one level teaspoon Crystals \* \* \* in place of each lemon called for in any recipe. \* \* \* one gallon of juice \* \* \* 'Juice' is then ready to use in same manner and quantities as fresh squeezed lemon juice," were false and misleading since they created the impression that the article with the addition of water would make lemon juice; and (2) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated.

On December 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2828. Adulteration and misbranding of flavoring sirups. U. S. v. 11 Bottles, 6 Bottles, 36 Bottles, and 12 Bottles of Sirups. Default decree of condemnation and destruction.** (F. D. C. No. 3537. Sample Nos. 46008-E to 46011-E, incl.)

Three of these sirups were imitation cherry, grape, and vanilla sirups containing artificial color and flavor and the fourth was a sugar solution containing skimmed milk and a cacao product, probably cocoa, labeled as "Milk Chocolate Flavor Syrup."

On December 18, 1940, the United States attorney for the District of New Jersey filed a libel against 65 bottles of sirups at Bayonne, N. J., alleging that the articles had been shipped on or about October 25 and November 8, 1940, by Well Maid Products Co. from New York, N. Y.; and charging that they were adulterated and misbranded. They were labeled in part: "Cherry [or "Grape," "Milk Chocolate," or "Vanilla"] Flavor Syrup \* \* \* Colonial-Maid Fruits and Sirups \* \* \* Manufactured For Colonial Candy Co. \* \* \* Bayonne, N. J."

The articles were alleged to be adulterated: (1) (Cherry and grape flavor sirups) In that artificially colored and flavored sugar solutions with added citric acid, containing little, if any, fruit juice, had been substituted wholly or in part for Compound Cherry Flavor Syrup and Grape Flavor Syrup, which they purported to be. (2) (Milk chocolate flavor sirup) In that a heavy sugar solution containing some skimmed milk and a cacao product, probably cocoa, had been substituted wholly or in part for Milk Chocolate Flavor Syrup, which it purported to be. (3) (Vanilla flavor sirup) In that an artificially colored and flavored sugar solution containing little, if any, vanilla extract, had been substituted wholly or in part for Compound Vanilla Flavor Syrup, which it purported to be. (4) (Cherry, grape, and vanilla flavor sirups) In that inferiority had been concealed by the use of artificial color and flavor. (5) (Cherry, grape, and vanilla flavor sirups) In that artificial color and flavor had been added thereto or mixed or packed therewith so as to reduce their quality, or make them appear better or of greater value than they were.

They were alleged to be misbranded: (1) In that the following statements were false and misleading since they were incorrect, "Compound Cherry Flavor Syrup," "Grape Flavor Syrup," "Milk Chocolate Flavor Syrup," "Compound